

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

**J.H., a minor, by and through his
parent and natural guardian, Kirsten
Lindsey,**

Case No. 0:20-cv-02038-DWF-TNL

Plaintiff,

v.

**UNCONTESTED PETITION TO
APPROVE MINOR
SETTLEMENT UNDER
MINN. STAT. § 540.08**

**Independent School District No. 623
aka Roseville Area Schools,
Geraldine Cook in her individual
capacity,**

Defendants.

Plaintiff J.H., a minor born in January 2012, by and through his parent and legal guardian, Kirsten Lindsey and undersigned counsel, for his Petition to Approve Minor Settlement, states and alleges as follows:

FACTUAL BACKGROUND

1. Plaintiff brought suit against Independent School District No. 623, known as Roseville Area Schools ("RAS"), and Geraldine Cook, by and through his parent and guardian Kirsten Lindsey, seeking compensation for damages [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2. Defendants deny liability and all allegations of wrongdoing made by J.H.

3. On November 12, 2021, the parties appeared for a Settlement Conference with Magistrate Judge Tony Leung. The parties negotiated with the assistance of Judge Leung, and ultimately agreed to settle the case through a joint payment by Defendants of [REDACTED] to Plaintiff in exchange for Plaintiff releasing all claims and stipulating to the dismissal of his case, with prejudice. Kramer Dec. at ¶ 4. The parties then negotiated the written terms of the settlement agreement and signed a Settlement Agreement on February 14, 2022. Exhibit A to Kramer Dec.

4. Subject to the approval of this Court, Defendants and Plaintiff J.H. have agreed to resolve J.H.'s claims with a payment of [REDACTED] in exchange for J.H.'s agreement to release and dismiss his claims with prejudice. *See id.*

5. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8. [REDACTED]

[REDACTED]

[REDACTED]

ANALYSIS

In Minnesota, parents have a statutory right to bring and maintain a legal action on behalf of their minor, injured children. Minn. Stat. § 540.08.¹ But, the Court must approve any “settlement or compromise of the action.” *Id.* A settlement is not “valid unless it is approved by a judge of the court in which the action is pending.” *Id.*

J.H. is a minor child, and these claims were brought on her behalf by his mother, Kirsten Lindsey. Ms. Lindsey has been very involved in the development and litigation of the case and has been kept abreast of all developments in the case by Plaintiff’s counsel. Kramer Dec. at ¶ 5. She was advised of the risks, burdens, and potential outcomes of further litigation and

¹ District of Minnesota Local Rule 17.1 orders this Court to follow Minnesota state court procedures for approving settlements, but this rule only applies to diversity actions or actions for wrongful death. Because this is neither, Local Rule 17.1 does not apply to J.H.’s settlement. Likewise, Minnesota Rule of General Practice 145 does not apply to the instant petition because this is a federal action that does not fall under Local Rule 17.1. In the absence of diversity, this Court applies federal procedural rules and the substantive law of the forum state.

concluded that the proposed Settlement Agreement is in the best interests of J.H.

Id.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

CONCLUSION

Because the terms of this settlement agreement are appropriate, in J.H.'s best interests, and comply with Minnesota Statute section 540.08, Plaintiff J.H. and his parent and guardian Kirsten Lindsey ask this Court to approve the foregoing proposed distribution and minor settlement.

Dated: February 15, 2022

MADIA NEWVILLE LLC

/s/ Sam Kramer

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